

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

DR. THAO LATHAM,

Plaintiff,

v.

Case No. 2:20-cv-00316-JLB-MRM

BONITA DENTAL CARE, P.A.,
FREDERICK J. ECK, and TREEHOUSE
CHILDREN'S DENTISTRY, P.A.,

Defendants.

ORDER

The parties have filed a joint stipulation for dismissal with prejudice under Federal Rule of Civil Procedure 41(a)(1)(A)(ii), which would normally dismiss the case without further involvement from the Court. (Doc. 36); Anago Franchising, Inc. v. Shaz, LLC, 677 F.3d 1272 (11th Cir. 2012). But Count I of the complaint is a claim for back wages under the Fair Labor Standards Act ("FLSA"), 29 U.S.C. §§ 201–19. (Doc. 1 at 5–7.) Such claims may be settled only with approval from the Court or the Secretary of Labor. See Lynn's Food Stores, Inc. v. United States, 679 F.2d 1350 (11th Cir. 1982); Flood v. First Family Ins., Case No. 2:20-cv-623-JLB-NPM, 2021 WL 211268 (M.D. Fla. Jan. 21, 2021).¹

¹ Count II is for FLSA retaliation. Lynn's Food did not discuss retaliation, and many courts in this district have held that an FLSA retaliation claim "does not require court approval, so long as the settlement does not contaminate the settlement of an FLSA back wage claim." Owens v. Advocator Grp., LLC, Case No. 6:16-cv-2149-Orl-22GJK, 2017 WL 3081908, at *3 (M.D. Fla. July 11, 2017) (citation omitted), report and recommendation adopted, Case No: 6:16-cv-2149-Orl-22GJK, 2017 WL 3034078 (M.D. Fla. July 18, 2017). The Court assumes that if the parties

Accordingly, it is **ORDERED** that:

1. The parties' stipulation of dismissal (Doc. 36) is **STRICKEN**. The parties are free to file a revised stipulation of dismissal as to Counts II and III of the complaint only.
2. The parties are directed to file a motion for court approval of their settlement as to Count I (FLSA) that includes both the settlement agreement as well as sufficient additional information for the Court to assess the bona fides of the parties' dispute and the precise contours of their resolution.

ORDERED in Fort Myers, Florida, on January 26, 2021.

A handwritten signature in black ink, reading "John L. Badalamenti". The signature is written in a cursive, flowing style.

JOHN L. BADALAMENTI
UNITED STATES DISTRICT JUDGE

file a revised stipulation, they will either provide the Court with the full settlement agreement (including the FLSA retaliation claim) or explain why the settlement of the retaliation claim does not need to be reviewed.